



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,814	11/20/2001	Robin D. Wilson	VIGN1410	1585

44654 7590 09/26/2005

SPRINKLE IP LAW GROUP
1301 W. 25TH STREET
SUITE 408
AUSTIN, TX 78705

EXAMINER

PAULA, CESAR B

ART UNIT PAPER NUMBER

2178

DATE MAILED: 09/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/989,814

Applicant(s)

WILSON ET AL.

Examiner

CESAR B. PAULA

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 17-19 and 21-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 17-19 and 21-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the AF amendment filed on 8/18/2005.

This action is made Non-Final.

2. In the amendment, claims 9-16, and 20 have been canceled. Claims 1-8, 17-19 and 21-29 are pending in the case. Claims 1, 17, and 21 are independent claims.

3. The rejections of claims 9, 11-16, 20, and 23-29 rejected under 35 U.S.C. 102(b) as being anticipated by Using Paradox 5 For Windows special edition, hereinafter Paradox, QUE, 1994, p17.326-331, and 525-537 have been withdrawn as necessitated by the newly found prior art.

4. The rejections of claims 10-11 rejected under 35 U.S.C. 103(a) as being unpatentable over Paradox have been withdrawn as necessitated by the newly found prior art.

Drawings

5. The drawings filed on 11/20/2001 have been approved by the examiner.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 17-19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in

Art Unit: 2178

the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 17 recites “**enabling the second object to utilize the selected asset until the second object attempts to modify the selected asset**, making a copy of the selected asset when the second object attempts to modify the selected asset and thereafter **disabling the second object's ability to utilize the selected asset and enabling the second object to modify and utilize the copy of the selected asset**” (lines 7-12). The specification does not appear to describe this limitation in a way that enables one of ordinary skill in the art at the time of the invention to prevent the second object from utilizing the asset, and at the same time having the second object modify—utilize-- the asset. Modification is utilization.

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Claims 8, 17-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 17 recites “**enabling the second object to utilize the selected asset until the second object attempts to modify the selected asset**, making a copy of the selected asset when the second object attempts to modify the selected asset and thereafter **disabling the second object's ability to utilize the selected asset and enabling the second object to modify and utilize the copy of the selected asset**” (lines 7-12). There appears to be a contradiction in this claim, because the second object is prevented from utilizing the asset, when

Art Unit: 2178

the second object is modifying the asset. Modification is utilization. It's not clear how the second object is prevented from utilization, yet continue to modify—utilize—the asset.

Claim 8 recites “each web site can share assets” line1. This is vague, because the word “can” implies that the limitation may or may not take place. It is not clear whether or not this limitation is being implemented.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 17-19, and 21-29 are rejected under 35 U.S.C. 102(b) as being anticipated by MyYahoo.com Help Pages, Archive.org, 1999, hereinafter Yahoo.

Regarding independent claim 17, in light of the 112 rejection, the Examiner understands that Yahoo teaches that the main website contains assets, such as news, weather, stock prices, sports scores, etc., which are shared with the personalized websites. A user is allowed to configure a version of the Yahoo website, so that it incorporates many of the content of the main website. However, there are certain assets that cannot be modified by the user personalizing the websites. The user can also rearrange the content in the personalized website (pages 1-11)-- , *selecting an asset of a first object, and sharing the selected asset with a second object, wherein*

Art Unit: 2178

the second object is a child of the first object in a hierarchical structure, wherein sharing the selected asset comprises enabling the first object to utilize and modify the selected asset, enabling the second object to utilize the selected asset until the second object attempts to modify the selected asset, making a copy of the selected asset when the second object attempts to modify the selected asset and thereafter disabling the second object's ability to utilize the selected asset and enabling the second object to modify and utilize the copy of the selected asset.

Regarding claim 18, which depends on claim 17, Yahoo teaches that the main and the personalized sites share some information by allowing the personalized site to collect favorite parts of the main site. There is certain information which cannot be changed by the personalized site, but is edited by the main site -- *wherein the parent has one or more assets which are not shared with the child* (pages 1-6, 10-11).

Regarding claim 19, which depends on claim 17, Yahoo teaches that the main website contains assets, such as news, weather, stock prices, sports scores, etc., which are shared with the personalized websites. The main website, and the user have the ability to configure the Yahoo website, as the main website and the personalized website that incorporates many of the content of the main website-- *sharing a second asset of the first object with the second object, wherein sharing the second asset comprises enabling the first object and the second object to utilize and modify the second asset* (pages 1-6, 10-11)

Claims 21-23, 26-27 are directed towards instructions in a computer-readable medium for performing the method found in claims 2, 3-6 respectively, and therefore are similarly rejected.

Regarding independent claim 21, Yahoo discloses a main website—Yahoo.com—having many personalized versions of the main website-- *selecting two objects which have a hierarchical relationship wherein a first one of the objects is a parent of a second one of the objects* (pages 1-3).

Moreover, Yahoo teaches that the main website contains assets, such as news, weather, stock prices, sports scores, etc., which are shared with the personalized websites. A user is allowed to configure a version of the Yahoo website, so that it incorporates many of the content of the main website. However, there are certain assets that cannot be modified by the user personalizing the websites (pages 1-6, 10-11)-- *selecting one or more assets of the first object: and sharing the selected assets of the first object with the second object. wherein each of the selected assets is shared using a mode chosen from a group consisting of a first mode in which both the first and second objects can utilize the asset, but only the first object can modify the asset.*

Further, Yahoo teaches that the main website contains assets, such as news, weather, stock prices, sports scores, etc., which are shared with the personalized websites. The main website, and the user have the ability to configure the Yahoo website, as the main website and the personalized website that incorporates many of the content of the main website (pages 1-6, 10-11)-- *a second mode in which both the first and second objects can utilize the asset, and both the first and second objects can modify the asset.*

Furthermore, Yahoo teaches adding additional pages to the personalized site adding, removing or rearrange the personalized content-- *wherein the second object shares one or more selected assets with a third object which is a child of the second object, wherein the one or more selected assets are shared using one or more of the first, second and third modes* (pages 1-6, 15-16).

Regarding claim 22, which depends on claim 21, Yahoo teaches adding additional pages to the personalized site adding, removing or rearrange the personalized content. The main website, and the user have the ability to configure the Yahoo website (as the main website), the personalized website, and the additional pages—*descendant*-- that incorporate many of the content of the main website -- *wherein if an asset shared between the first object and the second object is also shared between the second object and the third object, the asset is shared between the second object and the third object in a mode which is no less restrictive than the mode in which the asset is shared between the first object and the second object*(pages 1-6, 10-11, 15-16).

Regarding claim 23, which depends on claim 21, Yahoo teaches that the main and the personalized sites share information by allowing the personalized site to collect favorite parts of the main site--*wherein the first object and the second object sharing a plurality of assets as a set* (pages 1-6, 10-11, 15-16).

Regarding claim 24, which depends on claim 23, Yahoo teaches that the main website contains assets, such as news (containing current events, magazine, etc.)--*class of assets*--,

Art Unit: 2178

weather, stock prices, sports scores, etc., which are shared with the personalized websites. (pages 1-6, 10-11).

Regarding claim 25, which depends on claim 24, Yahoo teaches that the main website contains assets, such as news (containing current events, magazine, etc.), weather, stock prices, sports scores, etc.--*the class of assets is a child of a base asset class*-- which are shared with the personalized websites (pages 1-9).

Regarding claim 26, which depends on claim 21, Yahoo teaches that the main and the personalized sites share information by allowing the personalized site to collect favorite parts, such as news, weather, stock prices, etc., of the main site--*wherein the first and second object sharing one or more assets individually* (pages 1-6, 10-11).

Regarding claim 27, which depends on claim 21, Yahoo teaches that the main and the personalized sites share some of the information by allowing the personalized site to collect favorite parts of the main site. There is certain information, which cannot be changed by the personalized site-- *wherein the method further comprises the first object utilizing one or more assets, which are not shared with the second object* (pages 1-6, 10-11).

Regarding claim 28, which depends on claim 21, Yahoo teaches that the personalized website contains assets editing resources, such as edit, and personalizing icons, which are not

Art Unit: 2178

used by the main website which are only shared with the personalized websites-- *wherein the method further comprises the second object utilizing one or more assets which are not shared with the first object.* (pages 1-6, 10-11).

Regarding claim 29, which depends on claim 21, Yahoo teaches that the personalized website contains assets editing resources, such as edit, and personalizing icons, which are not used by the main website, only by the personalized site pages which are only shared with the personalized websites. -- *wherein the method further comprises each object sharing assets only with direct descendants of the object.*-- (pages 1-6, 10-11).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yahoo, in view of Nazem et al, hereinafter Nazem (USPat.# 5,983,227, 11/9/1999).

Regarding independent claim 1, Yahoo discloses a main website—Yahoo.com—having many personalized versions of the main websites-- *wherein one of the web sites is a parent and one of the web sites is a child of the parent*(pages 1-3).

Moreover, Yahoo teaches that the main website contains assets, such as news, weather, stock prices, sports scores, etc., which are shared with the personalized websites. A user is allowed to configure a version of the Yahoo website, so that it incorporates many of the content of the main website. However, there are certain assets that cannot be modified by the user personalizing the websites (pages 1-6, 10-11)-- *wherein the parent has one or more assets and wherein the parent and child are configured to share each of the assets using one of a set of modes consisting of a first mode in which both the first and second objects can utilize the asset, but only the first object can modify the asset.*

Furthermore, Yahoo teaches that the main website contains assets, such as news, weather, stock prices, sports scores, etc., which are shared with the personalized websites. The main website, and the user have the ability to configure the Yahoo website, as the main website and the personalized website that incorporates many of the content of the main website (pages 1-6, 10-11)-- *a second mode in which both the first and second objects can utilize the asset, and both the first and second objects can modify the asset.* Yahoo fails to explicitly disclose: *two or more web sites operating on the server.* However, Nazem teaches the storage of live data, and a customized web page for storing the live data on a server's shared memory (col.3, lines 59-col.4, line 67). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have stored both main, and custom websites on the same server, because Nazem teaches increasing the convenience of not having to wait for a long time to receive a customized web page(col.4, lines 7-23). This provides the benefit of quickly, and efficiently access the information on the websites.

Art Unit: 2178

Regarding claim 2, which depends on claim 1, Yahoo teaches adding additional pages to the personalized site adding, removing or rearrange the personalized content--*wherein one of the web sites is a descendant of the child site and wherein the child and the descendant are configured to share one or more assets of the child using one or more of the first, second and third modes* (pages 1-6, 15-16).

Regarding claim 3, which depends on claim 1, Yahoo teaches adding additional pages to the personalized site adding, removing or rearrange the personalized content. The main website, and the user have the ability to configure the Yahoo website (as the main website), the personalized website, and the additional pages—*descendant--* that incorporate many of the content of the main website -- *wherein if an asset shared between the child is also shared between the parent and the child, the asset is shared and the descendant between the child and the descendant in a mode which is no less restrictive then the mode in which the asset is shared between the parent and the child.* (pages 1-6, 10-11, 15-16).

Regarding claim 4, which depends on claim 1, Yahoo teaches that the main and the personalized sites share information by allowing the personalized site to collect favorite parts of the main site--*wherein the parent and the child share a plurality of assets as a set* (pages 1-6, 10-11, 15-16).

Regarding claim 5, which depends on claim 1, Yahoo teaches that the main and the personalized sites share information by allowing the personalized site to collect favorite parts,

Art Unit: 2178

such as news, weather, stock prices, etc., of the main site--*wherein the parent and the child share one or more assets individually* (pages 1-6, 10-11).

Regarding claim 6, which depends on claim 1, Yahoo teaches that the main and the personalized sites share some of the information by allowing the personalized site to collect favorite parts of the main site. There is certain information which cannot be changed by the personalized site-- *wherein the parent has one or more assets which are not shared with the child* (pages 1-6, 10-11).

Regarding claim 7, which depends on claim 1, Yahoo teaches that the personalized website contains assets editing resources, such as edit, and personalizing icons, which are not used by the main website which are only shared with the personalized websites-- *wherein the child has one or more assets which are not shared with the parent* (pages 1-6, 10-11).

Regarding claim 8, which depends on claim 1, Yahoo teaches that the personalized website contains assets editing resources, such as edit, and personalizing icons, which are not used by the main website, only by the personalized site pages which are only shared with the personalized websites -- *wherein each web site can share assets only with direct descendants of the web site--* (pages 1-6, 10-11).

Response to Arguments

14. Applicant's arguments with respect to claims 1-8,17-19 and 21-29 have been considered but are moot in view of the new ground(s) of rejection. The remarks that the claims have been placed in condition for allowance are moot in light of the newly found prior art.

Conclusion

I. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. **Yahoo Mail Online help pages, Archive.org, 2000.**

II. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cesar B. Paula whose telephone number is (571) 272-4128. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:00 p.m. (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong, can be reached on (571) 272-4124. However, in such a case, please allow at least one business day.

Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to <http://portal.uspto.gov/external/portal/pair>. Should you have any questions about


Art Unit: 2178

access to the Private PAIR system, please contact the Electronic Business Center (EBC) at 866
217-9197 (toll-free).

Any response to this Action should be mailed to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

- (571)-273-8300 (for all Formal communications intended for entry)


CESAR PAULA
PRIMARY EXAMINER
9/22/05